State of California

PROCEDURES

Required for Use of the

400C®

Optical Scan Voting System

These procedures are adopted by the Secretary of State pursuant to Elections Code sections 19100 and 19205 and shall regulate and govern the use of the Optech 400C Voting System at all elections governed by the California Elections Code.

Insofar as feasible, all procedures prescribed herein shall be carried out in full view of the public.

These procedures constitute a minimum standard of performance. They are not intended to preclude additional steps being taken by individual elections officials to enhance the security and reliability of the electoral process.

The Secretary of State reserves the right to amend these procedures at any time.

Submitted

September 10, 2004

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Optech 400-C State of California Procedures

Release 400-C

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PREFACE

The Optech 400-C Voting System can be used in either of two basic election processing modes

- All ballots, precinct voted and absentee voted, can be counted on one or more Optech 400-C devices. These Procedures will govern this mode of election processing.

- Ballots from some precincts and/or of some absentee ballot styles can be counted on Optech 400-C devices, with the remainder of ballots counted by Optech Eagle devices, if used. In this mode of election processing (combined mode), the Procedures Governing the Use of the Optech Eagle Voting System shall be observed where appropriate.

The Optech 400-C Voting System tabulates ballot cards at a central counting place (or at designated regional sites). Central count boards established by the election official process the ballots through the Optech 400-C and prepare the Precinct Reports on election night.

These Procedures establish the regulations governing the use of the Optech 400-C System in the election phases of testing, precinct and absentee voting, semi-official and official canvass, and post-election requirements.

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1   The Optech 400-C Voting System

1.1   INTRODUCTION

Figure 1-1: Optech 400-C

The Optech 400-C is Sequoia Voting Systems' central count mark-sense ballot tabulator, which:

- Reads mark-sense ballots.
- Tabulates the results.
- Prepares output reports.

The Optech 400-C uses an automatic Ballot Feed Hopper to process the ballots at a high speed.

A built-in sorting system diverts the tabulated ballots into the following three Ballot Bins:

- **Main Bin:** Contains all fully tabulated ballots.
- **Write-In Bin:** Holds all tabulated ballots that have one or more offices with a Write-In position marked.
- **Outstack Tray:** Holds ballots that are mis-read, blank, overvoted, or unprocessable.

A Roll-Around Cart holds the Main Bin.

1.2 DESCRIPTION OF THE OPTECH 400-C VOTING SYSTEM
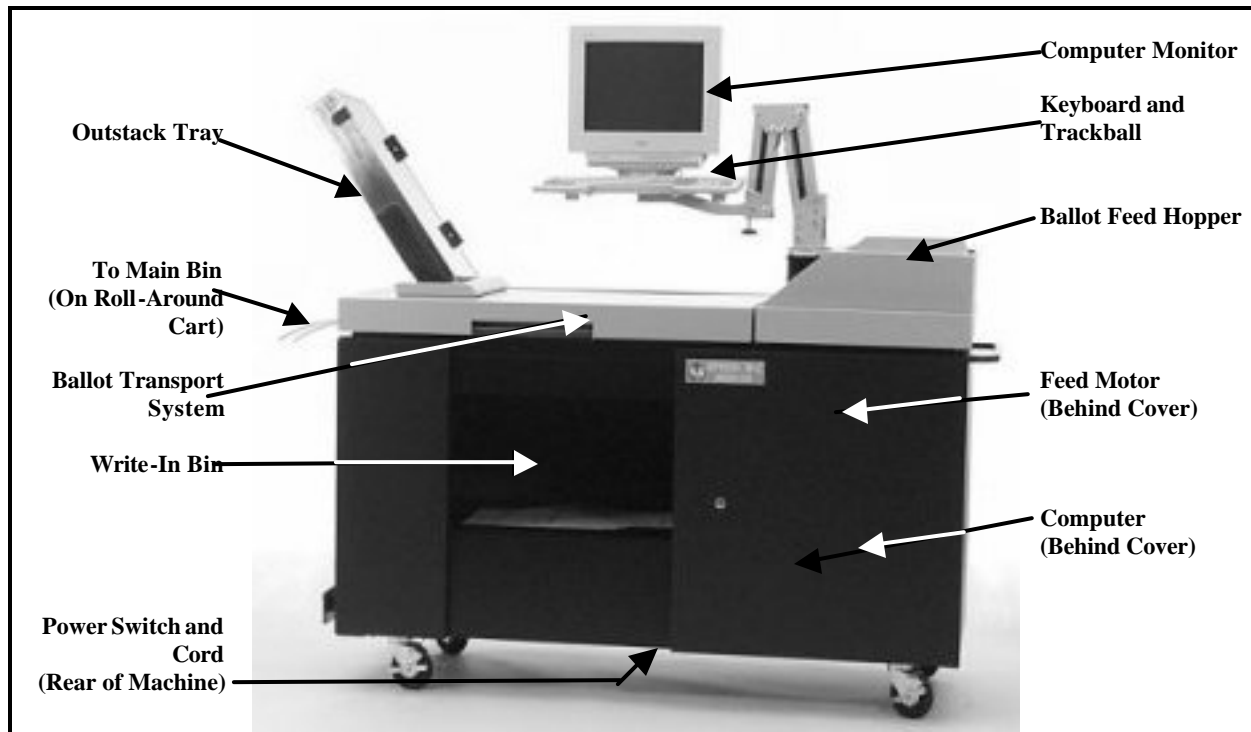
Figure 1-2: Optech 400-C

The Optech 400-C comprises the following system components:

- Power Switch and Cord
- Computer Running WinETP Tabulation Program
- Ballot Feed Hopper
- Ballot Transport System
- Ballot Bins
- WinEDS/EMS Database System
- Printer(s)

1.2.1 POWER SWITCH AND CORD

Line current enters the Optech 400-C at the connector panel (rear of machine) through a power cord connector. A combination switch/circuit breaker provides a power switch and overload protection for the Optech 400-C.

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1.2.2 COMPUTER RUNNING WINETP TABULATION PROGRAM

All control and tabulation functions of the Optech 400-C are performed by the computer. The computer comprises the following:

- **System Unit:** PC computer (behind the cover). The minimum configuration of this computer is:
  - o A Pentium II processor
  - o 32MB of memory
  - o A hard drive controller
  - o A 3-1/2-inch disk drive (A drive)
  - o A 2GB hard drive (C drive)

- **Computer Monitor:** Used to:
  - o Display on-line processing statistics.
  - o Display system menus.
  - o View information and/or commands that are being entered into the computer.
  - o View displays or reports.

  The Computer Monitor is secured on an adjustable support arm with a canvass strap. The strap must be in place at all times to prevent the Computer Monitor from falling.

- **Keyboard and Trackball:**
  - o The keyboard is very similar to a typewriter keyboard and is used to enter data and commands into the computer. The keyboard is attached to the computer with a coiled extender cable and is operable when the computer is turned on.

    The keyboard can be placed below the Computer Monitor on the support arm or may be locked inside the rear door of the Optech 400-C chassis whenever the tabulator is unattended
  - o The trackball may be used as a mouse to make selections in the WinETP tabulation program, per the *Optech 400-C Operators Manual.*

- **WinETP Tabulation Program:** The Election Tabulation Program (WinETP) runs the computer for the Optech 400-C, per the *Optech 400-C Operato rs Manual.*

1.2.3   BALLOT FEED HOPPER

Looking down on the Ballot Feed Hopper
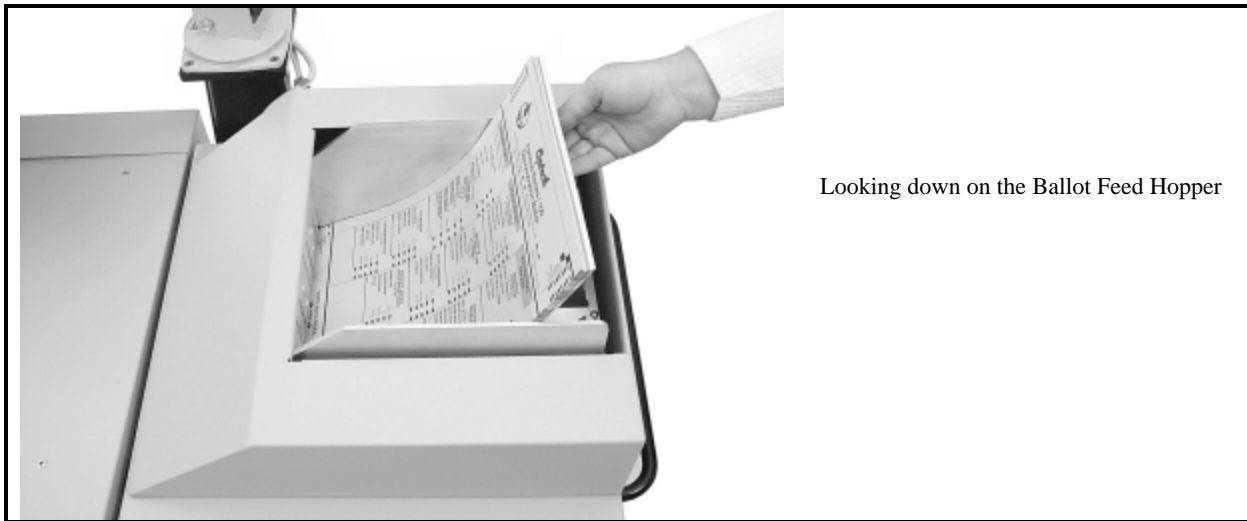
Figure 1-3: Ballot Feed Hopper

The ballots start the Ballot Transport process at the Ballot Feed Hopper. The Ballot Feed Hopper sends ballots through the Ballot Transport System one at a time.

Up to 150 ballots can be stacked in the Ballot Feed Hopper and more can be added during processing.

Adjustments can be made in the Ballot Feed Hopper for different ballot widths using the Ballot Feed Hopper side panel that is nearest the front of the machine. The side panel may be inserted into grooves that align the panel for either one, two-, or three-column operation.

Two Read Heads are attached to the Ballot Feed Hopper, which simultaneously read the top and bottom of the ballots, and their resulting Read Head signals are read and saved by the computer.

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1.2.4   BALLOT TRANSPORT SYSTEM

The Ballot Transport System propels the ballots through the Optech 400-C, after they have been read by the Read Heads in the Ballot Feed Hopper, and diverts them into the proper Ballot Bins, as follows:

- **Main Bin:** Contains all fully tabulated ballots.
- **Write-In Bin:** Holds all tabulated ballots that have one or more offices with a Write-In position marked
- **Outstack Tray:** Holds ballots that are misread, blank, overvoted, or unprocessable.

Ballots enter the Ballot Transport System as they leave the Read Heads of the Ballot Feed Hopper. The Ballot Transport System moves the ballots to one of the above three Ballot Bins.

The Ballot Transport System is synchronized to the speed of the Ballot Feed Hopper/Read Heads by a system of timing belts and pulleys. As the ballot progresses through the Ballot Transport System, it passes through the Ballot Path Sensors that send signals to the computer through the Breakout Board and Adapter Board. This allows the computer to determine the position of the ballot. The computer activates Diverter Gates that are used to route the ballots to the intended Ballot Bin:

The Ballot Transport System comprises the following:

- **Feed Motor:** Runs the Ballot Feed Hopper and Ballot Transport System along with the following:
  - o Ballot Path Sensors
  - o Read Heads
  - o Diverter Gates
- **Ballot Path Sensors:** Track the movement of ballots through the Ballot Transport System, and send signals to the computer, to determine the position of each ballot.
- **Diverter Gates:** Divert a ballot to a Ballot Bin other than the Main Bin, as follows:
  - o **Write-In Diverter Gate:** Diverts ballots to Write-In Bin.
  - o **Outstack Diverter Gate:** Diverts ballots to Outstack Tray.

1.2.5 BALLOT BINS

The Optech 400-C has the following three Ballot Bins into which ballots are transported by the Ballot Transport System:

- **Main Bin:** Contains all fully tabulated ballots. This Ballot Bin is located at the left side of the Ballot Transport System. In typical operation, the Main Bin will receive the majority of the ballots.

Main Bin (On Roll-Around Cart)
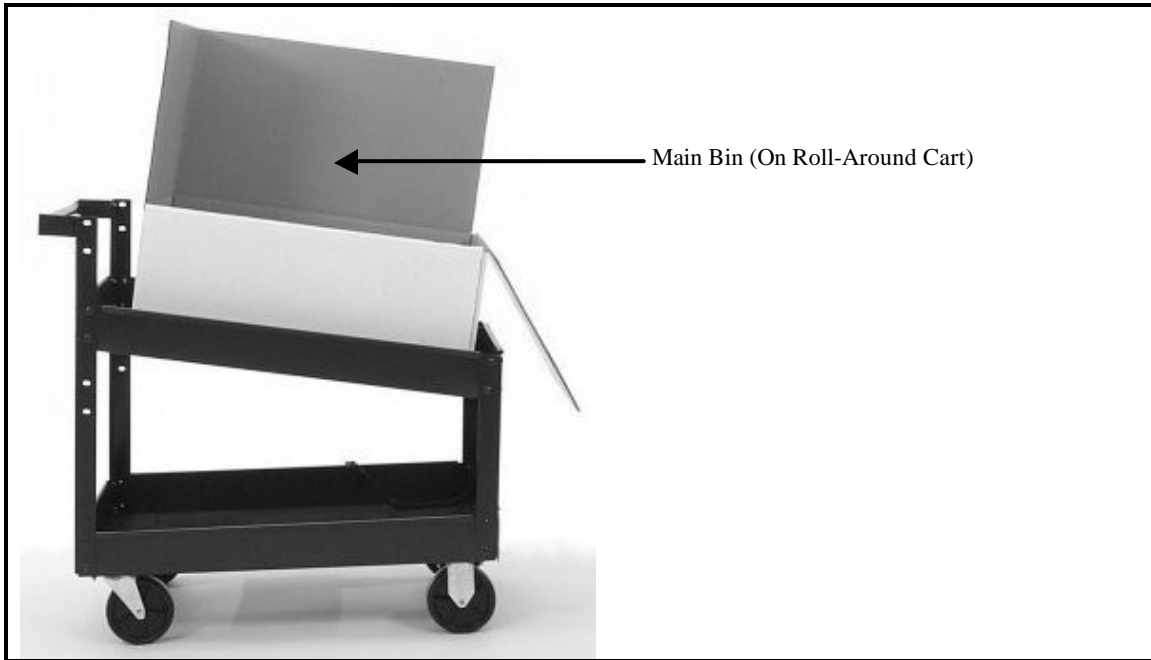
Figure 1-4: Main Bin (On Roll-Around Cart)

- **Write-In Bin:** Contains all tabulated ballots that have one or more offices with a Write-In position marked. A cardboard ballot storage box may be used (with the flaps cut off) to collect the ballots, or they may be stacked on the floor of the Write-In Bin.

  Ballots from the Write-In Bin can be removed for processing by Election Officials.

- **Outstack Tray:** Holds ballots that are
    - o Misread
    - o Blank
    - o Overvoted
    - o Unprocessable

The stainless steel Outstack Tray extends from the top left side of the Optech 400-C, allowing for quick access.

The Ballot Count must be reviewed by the election officials for the final determination and disposition.

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1.2.6 WINEDS/EMS DATABASE SYSTEM

Either of the following two database systems can be used to interface with the WinETP tabulation program:

- **WinEDS:** The Windows Electronic Database System (WinEDS) is used to perform the following operations:
    - o Administer all phases of the election cycle.
    - o Create electronic ballots.
    - o Tally Early Voting (if applicable).
    - o Tally Official Election votes.
    - o Tally Absentee votes.

    Please see the *WinEDS Reference Guide.*

- **EMS:** The Election Management System (EMS) contains the election coding information that describes the following:
    - o Offices
    - o Candidates
    - o Ballots
    - o Precincts

    This information is used to build files that control, tabulate and report a specific election. Please see the *EMS Users Manual.*

1.2.7 PRINTER(S)

Up to two printers can be attached to the Optech 400-C, as follows:

- **Report Printer:** A high-speed dot matrix or laser printer can print precinct or accumulated totals reports. Laser printers may be set up in landscape mode to obtain reports with more columns.
- **Log Printer:** A low speed dot matrix printer may be used for the Log Printer, which prints the Election Log.

IMPORTANT: If you wish to print the Election Log, line-by-line during the election, it requires a line printer.

Each Optech 400-C can use up to two printers for printing of the Election Log or reports on either the parallel or serial ports, using the standard printer drivers provided with Windows.

If it is not necessary to print a continuous Election Log, one printer can be used to print reports during the election and then print the Election Log in its entirety at the end of election night processing.

If desired, the Optech 400-C can be used on a local area network for file and printer sharing.

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1.2.8 BALLOTS AND MARKING DEVICES

The Optech 400-C uses a mark-sense ballot which may vary from one column (3.69 inches) to three columns (9.75 inches) in width, and from 12 to 18 inches in length. Each column of the ballot consists of one or more contests, each with one or more candidate selection positions. The ballot may be printed on one or on both sides.

At the right hand edge of each selection position are printed the head and tail of an arrow pointing to the name of the candidate or voting options. The arrow is printed in bold typeface, approximately 0.63 inches long, with a break in its center which is approximately 0.25 inches long. The voter uses a marker to connect the head and tail of the arrow, thereby selecting a choice.

Several types of marking devices are suitable for use with the Optech 400-C. A felt marking pen is preferred which produces a mark of adequate reflective variance from the substrate (paper base). A No. 2 lead pencil can also be used. Pursuant to the California Elections Code, issue of suitable marking devices at polling places by the election official is mandated.

1.2.9 SUMMARY SYSTEM

While one Optech 400-C or a group of them is sufficient for processing ballots, it is preferable to accumulate summary data and print reports through the use of a Summary System. Such a system consists of a personal computer, a printer or printers, a floppy disk drive, CDs, and/or tape drive for periodic backups, and software to effect the summary process. Input to this system is carried into the Summary System through a floppy diskette, or other media.

As an option, the Summary System may include a MemoryPack Receiver connected to the personal computer. This enables the Summary System to accumulate summary data from both the Optech Eagle at the precinct level and the Optech 400-C at the central count level. In this scenario, input into this system is carried through both a MemoryPack from an Optech Eagle and a floppy diskette from an Optech 400-C.

When used in an election, the Summary System is considered as an integral part of the overall system, and is subject to the diagnostic testing, system proofing, logic testing and accuracy testing described herein.

1.3 DEFINITIONS

1.3.1 ACCURACY TESTS

Accuracy tests verify that the vote tallying hardware is operating correctly. Accuracy testing consists of entering a known number of ballots with a known number of voted response positions into the Optech 400-C devices. See Chapter 2 for a description of the testing.

1.3.2 BALLOT

The printed document which provides a voter the opportunity to vote for all appropriate candidates and ballot measures by using an appropriate marking device to indicate selections in available voting positions. The ballot shall have two detachable serialized stubs.

All ballots are controlled by the Secretary of State, pursuant to California Administrative Regulations, and shall be printed with distinctive tints and designs as specified by the Secretary of State, and shall be produced and distributed in accordance with regulations adopted by the Secretary of State.

The ballot with its two perforated stubs may be of various dimensions. After removal of all stubs, the ballot may be one of these three widths: 3.75, 6.75, 9.75 inches. The length must be a maximum of 18 inches, and a minimum of 12 inches. With the ballot held in portrait orientation, such as a letter or this typed page would normally be held for reading, the several parts are: a serialized binding stub at the top; followed by a serialized voter's stub, and the main processible ballot section. The binding stub is the stub stitched or stapled to a pad when the ballots are gathered, and is the part remaining affixed to the pad when the voter's ballot and attached voter stub have been removed for voting.

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All voting positions on the ballot are indicated by a partially completed arrow printed opposite the names of candidates, opposite the available write-in spaces, and opposite the for or against (Yes/No) ballot measure indications. Such arrows shall be uniform throughout the ballot, and shall be of such a design as to suggest the necessity of a mark to "fill in" a blank space between the arrow head and tail, and thus indicate a voting choice.

The ballot may be scored horizontally for folding, but not vertically. The folding score shall not intersect a voting position.

If any voting position on the ballot is used for more than one candidate or ballot measure at the same election, each such ballot shall have a ballot style identification code printed thereon.

A party identification code shall be printed on each ballot at the statewide direct primary election.

Ballot Write-In Voting Position:

For each office, immediately below the space on which the last candidate's name is printed, there shall be a space or spaces available for the voter to cast write-in votes when required. These spaces shall be equal in number to the number of persons to be elected to the office. Opposite each write-in space shall be printed a voting position arrow.

Ballot Classifications:

The various ballot classifications are as follows:

- Blank Ballot
- Damaged Ballot
- Demonstration Ballot
- Error Ballot
- "Normal" Ballot
- Outstacked Ballot
- Provisional Voter Ballot
- Questioned Ballot
- Spoiled Ballot

1.3.3 BALLOT BIN

Re-usable bin, where tabulated ballots are automatically deposited. It may be one of the following three types:

- **Main Bin:** Holds fully tabulated ballots that require no further action.
- **Write-In Bin:** Holds all processed ballots that have one or more offices with a Write-In position voted
- **Outstack Tray:** Holds ballots that are mis-read, blank, or unprocessable.

1.3.4 BALLOT FEED HOPPER

Location where ballots are placed to begin processing through the Ballot Transport System.

1.3.5 BALLOT LAYOUT

The ballot configuration unique to each precinct or precinct split which encompasses all candidates, including any rotation of candidate names, and ballot measures facing voters at that election.

1.3.6 BALLOT PATH SENSORS

At points along the ballot's path from the throat to one of the exit slots of the Optech 400-C are Ballot Path Sensors. These detect the presence or absence of a ballot as well as its movement. A ballot jam or lack of movement is detected by these sensors, and an appropriate error message is generated.

1.3.7 BALLOT STATEMENT

A comparison of the number of ballots received from the election official by each precinct board with the sum of all precinct voter voted ballots, returned absent voter voted ballots, provisional voter ballots, and all spoiled and unused ballots at an election.

1.3.8 BALLOT STYLE

The mechanisms of ballot styles also may be applied to differentiate between precincts or other vote-reporting categories such as languages, political parties, or even ballot presentation methods (e.g., visual, audio, large fonts).

1.3.9 BALLOT WRITE-IN VOTING POSITION

For each office, immediately below the space on which the last candidate's name is printed, there shall be a space or spaces available for the voter to cast write-in votes when required. These spaces shall be equal in number to the number of persons to be elected to the office. Opposite each write-in space shall be printed a voting position arrow.

1.3.10 BLANK BALLOT

A "Blank" ballot is one on which there are no voting position marks that can be read by the Optech 400-C. It may be truly blank in all voting positions, or it may have marks in these positions, which the Optech 400-C cannot read because they are of insufficient density.

1.3.11 CANVASS

Compilation of election returns and validation of the outcome that form the basis of the official results.

1.3.12 CERTIFICATION MESSAGE

A certification message followed by signature lines may be printed on reports. The message attests that the statistics and results are true to the best of the Precinct Board's or Central Count Operator's knowledge. The election official may choose to implement this function or not. He/she may also choose the wording of the message.

1.3.13 CPU

This is a commonly used abbreviation to describe the Central Processing Unit of a computer or computer system, as distinguished from other peripheral devices or components.

1.3.14 CUT MARKS

These are vertically printed marks appearing along both vertical edges of an Optech 400-C ballot. Assurance of proper ballot printing registration is given when these marks appear in corresponding positions along each edge of the ballot. Cut marks should be checked upon receipt of ballots from the printer.

1.3.15 DAMAGED BALLOT

A ballot, which has been torn, bent, or otherwise mutilated so that it cannot be processed through the Optech 400-C. Damaged ballots are sent to the Ballot Duplication Board for repair or duplication.

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1.3.16 DEMONSTRATION BALLOT

This is a ballot, used for demonstration purposes, which displays a mock election. Offices are frequently fictitious; candidates are usually historical figures; and measures are obviously not serious. Such ballots may be used and re-used for demonstrations from voter to voter and from election to election.

1.3.17 DESTRUCTIBLE SEAL

Any type of numbered device, such as a boxcar seal, used to close a container, room, or area which requires damage to or destruction of the device to gain access to the contents therein. Audit trail logs must be maintained recording the sealing, including the seal number, the date and time, and the person's name, as well as the unsealing, including the seal number, the date and time, and the person's name.

1.3.18 DIAGNOSTIC MESSAGE

The Optech 400-C monitor and election log will print an appropriate diagnostic message under certain conditions. Such messages indicate a problem or condition as well as the recovery procedure. Such messages are Tracking Points in the audit trail. The election official shall print a list of all possible diagnostic messages and recovery procedures, and shall instruct Precinct Boards and Central Count Operators in this matter. Where, in the judgment of the election official, there should be corrective action taken by him/her or an authorized trained deputy, as opposed to the Precinct Board or Central Count Operator, this shall be noted in the diagnostic message documentation. If the problem or condition is such that ballot processing through the Optech 400-C must be interrupted until recovery is effected, tabulating shall stop and all ballots and the election log shall be secured. Vote totals are not permanently saved until the end of a precinct when in precinct header mode or the end of a batch when in mixed precinct mode. Any votes from precincts or batches in process must be rerun when the Optech 400-C is operational. Periodic backups should be made to safeguard these totals.

1.3.19 DIVERTER GATES

In the ballot path of the Optech 400-C are two mechanical gates. When activated the outstack diverter gate opens and outstacked ballots travel through the gate to the outstack bin. Also when activated, the Write-In diverter gate opens and write-in ballots travel through to the write-in bin.

1.3.20 ELECTION CODING

This term applies to the election preparation function of providing specific election parameters to the Optech 400-C controlling software, using special software to do so. These parameters include, but are not limited to the definition of offices, candidates, voting positions, number of candidates to be elected, statistics to be accumulated, ballot path controls, and other customizable reporting parameters.

1.3.21 ELECTION LOG

A continuous printout of log lines when tabulating with the Optech 400-C Voting System. The log shows all error conditions, keystrokes and functions performed. All log lines contain the time and date and provide an audit trail.

1.3.22 ELECTION OFFICIAL

As used here, this term shall apply to the County Clerk, the County Registrar of Voters, the City Clerk or any other person who has been properly and legally charged with the responsibility of conducting the election. These Procedures shall be liberally interpreted, so that when permitted by law, the election official may deputize others to perform functions.

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1.3.23 EMS

Election Management System: Electronic database system used to perform the following operations:

- Define, develop and maintain election databases.
- Perform election definition and setup functions.
- Format ballots.
- Count votes.
- Consolidate and report results.
- Maintain Audit Trails.

1.3.24 ERROR BALLOT

An error ballot is one that is missing a necessary printed element or contains some extraneous mark, which causes the Optech 400-C to outstack the ballot as unreadable.

1.3.25 "FAMOUS NAMES"

This is a mock election ballot carrying fictitious offices, e.g., Secretary of Entertainment, and candidates who are familiar in history, e.g. Carry Nation, Babe Ruth. This ballot is intended for use not only as a demonstration item, but also as an accuracy test.

1.3.26 HEADER CODES

Codes are printed in the upper front corners of a ballot, identifying it as being of a specific:

- Ballot style
- Political party
- Other grouping

The header code may also designate the ballot as to precinct, if desired. If the header coding on a ballot is not identical to that carried by the Optech 400-C controlling software, that ballot will not be accepted for processing and an error message indicating that condition will be printed on the log.

1.3.27 INITIALIZATION

This is the final process of preparing an Optech 400-C for ballot processing. At the central counting place, when power is applied, the Main Menu displays whereby the operator selects the operational mode (Precinct Header Mode or Mixed Precinct Mode) to use for the election. All new elections must be initialized. A new election cannot be run until initialization procedures have been performed. After initialization, the ballot counting menu automatically displays on the monitor.

1.3.28 INVALID CODE PRINTING

This can occur when the printed codes on ballots for the identification of the precinct, ballot style, or party do not match the programmed instructions in the Optech 400-C controlling software.

1.3.29 LOCAL ELECTION OFFICIAL

The individual or officer of a local governmental unit responsible for certifying candidates and issues to be placed on the ballot.

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1.3.30 LOG MESSAGES

Include the following types of messages:

- Certification Message
- Diagnostic Message

1.3.31 LOGIC TESTS

Logic tests must be run both before and after processing official ballots for an election. The logic test group of ballots has predetermined totals for all contests on the ballot, with every candidate in a contest receiving a different number of votes than any other candidate in that contest.

The output from the logic test can be in the form of a press release bulletin, signed by the Logic and Accuracy Board prior to certification and submission of vote tally programs and files to the Secretary of State not less than seven (7) days before the election. Each time a logic test is produced, a Logic and Accuracy Board Member, if available, should verify and sign the output.

1.3.32 MARKING DEVICE

The election official shall issue or instruct for voter use in marking the ballot either a No. 2 lead pencil or other device which will make a mark complying with reflectivity variance specifications as published by the manufacturer of the Optech 400-C Voting System.

1.3.33 MIXED PRECINCT MODE

Mixed precinct mode is designed to read ballots from all precincts which may be freely intermixed. When this mode is selected, ballots should be read in batches. The batch size should be limited to 1500 to 2000 ballots, or about 5 minutes of operation. A backup of the files should be made for each batch.

1.3.34 NORMAL BALLOT

This is a description usually applied to a ballot, which has been voted and is not distinguished by any anomaly, such as overvoted offices, damaged, blank, etc. "Normal" ballots are customarily directed to the Main Bin at the left side of the Optech 400-C.

1.3.35 ORIENTATION CODES

Corner codes are printed on the ballot to indicate its orientation as it is fed into the Optech 400-C. This obviates having to enter the ballot in only one orientation. Ballots may be entered bottom first, upside down, etc., and still be read accurately. This coding should be tested in System Proofing.

1.3.36 OUTSTACK

Function, where outstacked ballots are segregated into the Outstack Tray, for the following reasons:

- Blank
- Overvoted
- Damaged in some manner

1.3.37 OUTSTACKED BALLOT

Outstacked ballots are ballots that have not been read or counted by the Optech 400-C. These ballots are diverted to the outstack tray. These ballots will either be duplicated or retried through the Optech 400-C.

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1.3.38 OVERVOTE

The condition which arises when the voter votes for more candidates than the number of candidates to be elected. In an office to which one candidate can be nominated or elected, a second vote creates an overvoted condition. The result is that no vote for that office can be tallied since the voter's intent is unknown. In the case of ballot measures, a "Yes" vote and a "No" vote for the same measure creates the overvoted condition.

1.3.39 PRECINCT HEADER MODE

Precinct header mode is designed to read ballots on a precinct-by-precinct basis. When this mode is selected, ballots are read one precinct at a time. The current precinct being read must be completed before reading the next precinct. Backup files should be made for each precinct.

1.3.40 PROVISIONAL VOTER BALLOT

A ballot issued, pursuant to the California Elections Code, to a voter claiming to be properly registered, and whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county election official.

1.3.41 QUESTIONED BALLOT

A ballot on which the voter may be identified.

1.3.42 RE-USABLE TEST DECK

This term is used to designate a stack of vote-marked ballots which are not election-specific but which will generate predictable, patterned results. These Procedures specify that the Reusable Test Deck shall consist of ballots carrying the "Famous Names" election. This deck is used for accuracy testing.

1.3.43 READ HEADS AND SENSORS

Electrical components, which detect votes and arrows and other printed ballot elements, and track movement of the ballot through a Ballot Transport System.

1.3.44 SECRECY SLEEVE

An envelope or folder of such design and dimensions as to hide from view the voted ballot while it is being carried by the voter from the voting booth to the stub removal station.   The Precinct Offic ial shall remove the stub, hand it to the voter, and thereafter let the ballot slide or drop from the secrecy sleeve into the ballot box, taking care that voting positions are not exposed to view.

Secrecy sleeves may be retained for reissue. When ballots are printed only on one side, secrecy sleeve use may not be required. In this case, the voted ballot may be carried face down.

1.3.45 SEMI-OFFICIAL CANVASS

The process of collecting, processing, and tallying ballots on election night. This may include reporting of results to the Secretary of State. The semi-official canvass may include some or all of the absent voter vote totals. The semi-official canvass is contrasted with the official canvass which begins not later than the first Thursday following the election and, for statewide elections, must result in final certification 28 days following the election.

1.3.46 SPOILED BALLOT

A ballot issued to a voter and returned by the voter for another ballot because of an error the voter made in voting.

1.3.47　STAND-ALONE PROCESSING

An Optech 400-C or a number of Optech 400-C units may be used in a stand-alone implementation without a Summary System for the processing of ballots. In this case, jurisdictional totals may be accumulated independently.

1.3.48　START BAR

Solid thick line printed across the top of an optical scan ballot that defines the beginning of the voting area.

1.3.49　STATISTICAL COUNTERS

These are counters within both the Optech 400-C Voting System and the Summary System wherein statistical data is accumulated. Statistical data is usually referred to as any other than election results (votes for candidates). Examples would be, "Ballots Cast," "Turnout Percentages," and the like.

1.3.50　STOP BAR

Solid thick line printed across the bottom of an optical scan ballot that determines the end of the voting area.

1.3.51　SUMMARY SYSTEM

Normally a Summary System is used for the accumulation of jurisdiction-wide results and statistics and for the printing of reports. Within the Optech 400-C System, the Summary System consists of the PC with backup capability (normally by floppy disk, tape and/or CD, and Report/Log printer(s), all operating under appropriate software. Such Summary Systems are subject to Logic and Accuracy Tests as well as System Proofing.

1.3.52　SYSTEM PROOFING

System proofing verifies that all materials, files, and programs for an election are correctly prepared. This proofing is normally done in approximately two (2) weeks, during the period consisting of 40 days to approximately 14 days prior to Election Day. Accuracy and Logic tests are included in system proofing.

1.3.53　TESTS

Purpose is to:

- Determine that the election coding is accurate.
- Ensure public confidence.
- Verify the tabulation program on Election Day.

Includes the following tests:

- Accuracy Tests
- Logic Tests
- System Proofing.

1.3.54　TRACKING POINT

A tracking point establishes an audit trail during the canvass.

1.3.55　UNDERVOTES

Practice of voting for less than the total number of election contests listed on the ballot, or of voting for less than the number of positions to be filled for a single office. (A person would undervote if a contest required the selection of three out of a given number of candidates, and the Voter chose only two candidates.)

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1.3.56 VOTE BOTH SIDES NOTIFICATION

The notation/instructions printed at the bottom of each side of the ballot urging the voter to vote both front and back sides of the ballot when the ballot is printed on both sides. Such notification is mandatory.

1.3.57 WINEDS

Windows Electronic Database System: Electronic Database System used to perform the following operations:

- Administer all phases of the election cycle.
- Create electronic ballots.
- Tally Early Voting (if applicable).
- Tally Official Election votes.
- Tally Absentee votes.

1.3.58 WINETP

Windows Election Tabulation Program: Election Tabulation Program for the Optech 400-C, which is used to perform the following operations:

- Control ballot processing.
- Tabulate results.
- Generate reports.

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2   Pre-Election Diagnostics, Testing, & Preparation Requirements

2.1   TESTING PROCEDURES

Functions are outlined in these procedures in five stages or parts:

- Diagnostic Tests
- System Proofing
- Accuracy Testing
- Logic Testing
- Final Preparation

Testing of the Optech 400-C as set forth in this chapter shall include every Optech 400-C to be used.

The test procedures described herein are a required MINIMUM and do not preclude additional testing performed at the option of the election official.

In addition to the following test procedures, those counties which provide election night results on-line to the Secretary of State must conduct tests required by that office to ensure accurate and timely submission of semi-official canvass results, and must include hardware and telephone lines used for that purpose in all tests required.

All tests will be conducted using test materials specified herein in such a manner as to meet these guidelines. All tests shall result in reporting that matches predetermined results. Reports and test materials must be retained as specified in sub-chapter 2.9 herein.

2.2   OPTECH 400-C DIAGNOSTIC TESTS

At the central counting location, diagnostic tests shall be performed on every Optech 400-C to be used in the election using ballot test decks available from the manufacturer. The following diagnostic tests shall be performed within 50 days prior to the election. The manufacturer of the Optech 400-C Voting System has published detailed, specific instructions for the performance of these tests, including instructions for corrections of, or recovery from, malfunctions. If malfunctions are encountered, such corrections and recovery procedures shall be implemented. Manufacturer's instructions are on file with the office of the Secretary of State and are incorporated herein by reference.

1. After starting the Optech 400-C, open the diagnostics module and perform the Sensors test.

   This routine will display the "clear" or "blocked" activity of the sensors.

2. Remain within the diagnostics module, and perform the Solenoids test.

   This routine will allow toggling of the Pick, Outstack, and Motor Solenoids.

3. Test that the read head illumination lamps are functioning.

4. Perform the single-column ballot testing in Precinct Mode.

5. Perform the double-column ballot testing in Precinct Mode.

6. Perform the folded ballot testing in Precinct Mode.

7. Perform the 18-inch ballot testing in Precinct Mode.

8. Perform the Mixed Mode election testing.

2.3 SUMMARY SYSTEM DIAGNOSTIC TESTS

Prior to use, diagnostic tests shall be performed on the Summary System. These tests shall be performed within 50 days prior to the election. If malfunctions are encountered, corrections shall be made and recovery procedures implemented.

1. Check all cabling and connections for each hardware component to be used.

2. Implement such diagnostic tests as are available from the manufacturer(s) of the Summary System computer and peripherals.

3. Insert a floppy diskette into the floppy disk drive of the Summary System computer. The floppy diskette shall contain known results from a previous election, demonstration or test.

   - Cause the data to be read into the Summary System.
   - Cause a Precinct Report to be printed.
   - Remove the floppy diskette and repeat the entire process.

4. Cause a Cumulative report to be printed:

   - Check that the report accurately reflects the accumulation of data from two or more floppy diskettes.
   - Check for the proper functioning of the printer(s).

5. Cause the print files to be written to a disk:

   - Print two precinct reports and a cumulative report from the disk.
   - Observe that these reports match the previously printed reports.

2.4 BALLOT SPECIFICATIONS DIAGNOSTIC TESTING

Upon receipt of official ballots from the printer the election official shall refer to the Ballot Inspection Procedure which is available from the Secretary of State, having been filed by the manufacturer of the Optech 400-C Voting System. Said Procedure is incorporated herein by reference. The election official shall inspect ballots according to said Procedure to be sure that they meet certain minimum criteria for the following:

- Ballot Format, with respect to number of columns, front and back printing, the inclusion of all ballot styles, precinct identifications if expected, and within each ballot style the listing in proper order of offices, measures, candidates and response positions.

- Ballot Paper Stock. (Use an appropriate measuring device, or accept the Printer's written declaration.)

- Ballot width Accuracy. (Measure according to specifications.)

- Printing registration, relative to edges of ballot. (Observe that cut marks appear consistently along each edge.)

- Ink density for readable marks.

- Voids in readable areas. (There shall be no extraneous printing, such as dots, splashes, etc., in the empty area between voting position arrow head and tail, nor in the header coding area.)

- Readable mark size.

- Ink offset

- Ink bleed-through and smears

- Slits or perforations

- Positioning of fold scores. (These shall not intersect voting positions.)

2.5   SYSTEM PROOFING

2.5.1   OVERVIEW OF SYSTEM PROOFING

System proofing is the mandatory preliminary, in-house testing of all phases of election preparations except the Logic and Accuracy tests of the computer hardware and software used to tally and summarize votes. System proofing shall include, but is not limited to, verification of the correctness of the following:

- Assignment of jurisdictions participating in the election to ballot styles
- Linkage of precincts in which the election will be held to ballot styles
- Ballot content of each ballot style, including offices, district designations, candidate assignment and rotation, ballot measures, all in the proper sequence
- Printing of official ballots, including instructions, candidates' names, political and/or occupational designations, number to be elected, candidate rotation (where applicable), ballot measures, voting positions and all column and office headings and designations
- Formatting of ballots into or for sample ballot pamphlets for each ballot style
- Header code printing, precinct identification (if used), start and stop lines, fold scoring, numbering, padding and verifying ballot dimensions by suitable means
- Optech 400-C firmware's recognition of and response to precinct header codes, and ballots that are damaged, or improperly marked
- Optech 400-C firmware's ability to accept ballots with correctly printed header codes, and to reject ballots with incorrectly printed header codes
- All phases of preparation and assembly of Optech 400-C devices as described variously herein
- Voter registration data for jurisdictions participating in the election.

The Reusable Test Deck consists of ballots which are pre-scored for folding. If the Optech 400-C Voting Systems are to be used for absentee tabulation, test ballots may be folded before the test is begun.

2.5.2   EXCEPTION PROCESSING

Exception Processing is part of system proofing and includes a test to determine whether the system properly responds to error or anomaly conditions. At least 10 days prior to each election a deck shall be prepared which will cause all non-destructive[1] errors or anomalies for the Optech 400-C device, its firmware, and counting programs. The Optech 400-C device is tolerant of ballots introduced in orientations which could be considered anomalous, such as upside down or reversed. This tolerance should be tested by introducing test ballots in these orientations. The exception processing test should contain, but is not limited to, the following types of conditions, if they apply to the system:

- Upside down ballots
- Reversed ballots
- Ballots torn in various places

Exception testing is also required to assure that the error condition of extraneous clock marks is detected.

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[1] As opposed to destructive errors, such as a power failure, which can damage equipment.

2.5.3 "ERROR" TEST BALLOTS

Six ballots shall be prepared, one ballot for each votable track on a double-sided, 3-column ballot, four ballots for a double-sided, 2-column ballot, and two ballots for a double-sided, single-column ballot. One extra clock mark (voting position arrow graphic) shall be made in an active column of the ballot. The extra clock mark shall be drawn between the ballot start bar and the ballot stop bar and shall be drawn to approximate the thickness and dimension of the printed clock marks. Tests for "error" test ballots will comply with the ballot processing regulations herein.

For exception processing the ballot tally program(s) must be used. Program restarts or equipment resetting are allowed for this test.

2.6 PRE-CONDITIONS FOR PERFORMANCE OF LOGIC AND ACCURACY TESTS

Prior to Logic and Accuracy tests, the following must be assured, per the *Optech 400-C Test & Verification Specification*:

1. Diagnostic tests on all equipment shall have been performed.

2. Test decks of ballots shall have been prepared as specified in paragraphs 2.7.3 and 2.8.2, herein.

3. All election parameter data to be used for Accuracy testing shall have been coded using the "Famous Names" election or with a similar fictitious election that will provide compliance with sub-chapter 2.7 herein.

4. Documentation must be prepared to show the known and expected voting and statistical results, said documentation is to be compared against that produced as a result of the tests.

2.7 ACCURACY TESTING

Accuracy testing consists of those processes and procedures necessary to ensure hardware to be used in the election is working properly, both as individual units and as a combined system.

Emphasis is placed on verifying that Optech 400-C can read every permissible mark on the ballot, and that individual components as well as the interface between them function as required. These tests shall be run BEFORE Logic Testing in order to assist in isolating problems.

Accuracy tests are an integral part of equipment maintenance and may be run as often as necessary before each election to ensure proper functioning of hardware to be used in the tallying process.

2.7.1 PERFORMANCE OF ACCURACY TESTS

Accuracy tests shall be performed prior to Logic and Accuracy Certification (including amendments and recertification, if necessary) to the Secretary of State and again within 72 hours prior to processing ballots on Election Day. The accuracy tests may be run more frequently and shall be run after equipment has had maintenance work. Any failure of the equipment to perform as expected shall be corrected before using that equipment for election processing, and any ballots tallied on equipment which failed shall be recounted.

In the event any Optech 400-C fails after official ballot processing has begun, accuracy tests must be successfully run on the (failed) component after it has been repaired, replaced, or adjusted (in a manner deemed sufficient by the responsible election official to require retesting for accuracy), provided the component is to be returned to service. Diagnostic tests of hardware on election night are permitted.

A loss of power is not to be considered a failure for purposes of this paragraph. Upon recovery from a power loss, the last batch of ballots counted will have to be recounted if their totals have not already been added to the backup file.

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2.7.2   PREPARATION OF ACCURACY TESTS

The responsible election official shall cause the accuracy test deck to be prepared and tested. Predetermined results of accuracy test must be available for inspection and sign off by the Logic and Accuracy Board.

2.7.3   REUSABLE ACCURACY TEST DECK

A reusable test deck consisting of 165 pre-printed ballots conforming to a "Famous Names" election is used to test the accuracy of each Optech 400-C in order to meet the requirements for underlined annual testing. The test deck specifications and/or the test deck itself is available from the manufacturer of the Optech 400-C equipment. A proper test deck consists of ballots of different colored paper stocks with pre-printed ballot information as well as pre-printed vote marks. The ballots are printed on both sides with a demonstration election. The pre-printed vote marks are printed intentionally thin to represent the minimum specified acceptable line width. A standard test deck's contents are as follows:

Ballot Style	Description	Quantity	Color
F1	1st Position	10	Blue
F2	2nd Position	20	Green
F3	3rd Position	30	Buff
F4	4th Position	40	Canary
F5	5th Position	50	Cherry
F6	Write-In #1	3	White
F7	Write-In #2	3	White
F8	Over Voted	3	White
F9	Error	3	White
F0	Blank	3	White

The deck is made by removing certain ballots from the manufacturer's 169 ballot test deck. Remove each of the four ballots labeled "Straight Party." Note that on none of the ballots in the deck is the Straight Party office voted; such voting is not permitted in the State of California.

The test decks described above for performance of the annual and pre-election Accuracy tests may be substituted with other test decks, provided that they meet the specifications for test decks set forth herein and by the Secretary of State.

2.7.4   ACCURACY TEST REPORT

When the Reusable Test Deck is processed utilizing the Optech 400-C it will produce a report showing votes per voting position as shown in Appendix A. This test verifies the ability of the Optech 400-C devices to read ballots, correctly process the data and print out the results. Within 40 days before each election, the Reusable Test Deck shall be run at least twice through each Optech 400-C.

2.8   LOGIC TESTING

Logic testing consists of those processes and procedures necessary to ensure that the vote tally programs and hardware correctly interpret, summarize and report voters' marks for a specific election. This is normally a series of tests utilizing test ballots which are made from actual printed ballots, and accumulation of results from individual Optech 400-C Voting Systems by backing up results to floppy diskettes or CDs, and transferring the data to the Summary System.

Successful testing will demonstrate that: each candidate and ballot measure receives the proper predetermined number of votes; the system reports the proper number of over and under votes; the system accepts only the proper ballot styles and rejects improper ones; the system is capable of counting the maximum number of ballots possible for a precinct.

Logic tests will be conducted using test materials below in such a manner as to meet these guidelines. All tests shall result in reporting that matches predetermined results. All reports and test materials must be retained as specified in sub-chapter 2.9 herein.

2.8.1   PERFORMANCE OF LOGIC TEST

Pre-Election Night Tests:

An election-specific Logic Test shall be performed on 100% of the Optech 400-C Voting Systems to be used. This Logic Test may begin within 50 days of the election and can be of sufficient duration to assure its adequacy.

The Summary System Logic Test shall employ a coded test election and one or more test decks of the existing election. Also, enough floppy diskettes or CDs shall be used in the Optech 400-C to back up the results.

Election Night Testing:

Before and following election night tabulation, Summary System Logic Tests shall be performed.

Post-Election Testing:

For the Official Canvass conduct a Summary System Logic Test Prior to processing.

Following the Official Canvass, conduct Accuracy Test for 100% of the Optech 400-C Voting Systems and a Logic and Accuracy Test for the Summary System.

The predetermined results for balancing of election processing must be available for inspection and sign off by the Logic and Accuracy Board described in sub-chapter 7.4 herein.

The official Logic test must be completed, certified, and received by the Secretary of State seven (7) days before each statewide election. It must accompany official copies of the ballot tally programs and files.

All ballot tally program(s) and hardware must remain operative from the time of the pre-ballot processing logic test, through the processing of all voted ballots, to the post-ballot processing logic test. Any condition which requires the Optech 400-C to be re-initialized shall require a new set of logic testing and shall require that all ballots and floppy diskettes processed since the last successfully completed logic test be rerun. A power failure normally does not necessitate re-initialization. At the time power is re-applied, the last batch of ballots counted will have to be recounted if their totals have not already been added to the backup file.

The logic test ballots shall be tabulated using the Optech 400-C devices and Summary System. The resulting logic vote tallies shall be compared in detail with the predetermined logic vote tallies. Any differences between the two logic vote tallies shall be resolved, and logic testing shall be performed as many times as may be necessary to achieve a logic vote tally which is identical to the predetermined logic vote tally. This process shall also be done for any absent voter test ballots that are subject to separate logic and accuracy testing. After balancing the two logic vote tallies, the logic test ballots and the run-time documentation shall be locked in a facility with restricted access or sealed. Logs or records shall be maintained, recording each performance of the logic test and by whom.

2.8.2   PREPARATION OF LOGIC TEST MATERIALS

The responsible election official shall cause the following logic test materials to be prepared and tested.

2.8.2.1   ALL BALLOT STYLES

A logic test deck of ballots will be prepared for all ballot styles to be used in the election. This logic test deck is composed of regular official ballots which shall be marked "TEST."

2.8.2.2   LOGIC TEST DATA

Two identical sets of test ballots shall be created for each ballot style used in the election. For purposes of testing, the election official may use either the primary or back-up logic test deck, but the backup logic test deck must be subject to the same security provisions as is the primary logic test deck. The logic test ballots shall be distinctively marked "TEST," and shall include "Voted, Overvoted, No Votes, Recall Measure and Candidates Contest" as described in the following paragraphs.

"Voted" Test Ballots:

A group of test ballots shall be voted. They shall be marked and be of sufficient quantity so that each candidate for every office on the ballot will receive a predetermined number of votes which are different from the number of votes received by any other candidate for the same office. Also, the number of "yes" votes on any ballot measure shall be different from the number of "no" votes. In the case of offices for which the voter is allowed to vote for more than one candidate, at least one ballot of the group shall be voted with the maximum allowed number of choices.

For purposes of this test, write-in positions shall be treated as declared candidates.

No office or ballot measure shall be voted in more positions (overvoted) than are allowed for the office or measure.

"Overvoted" Test Ballots:

One test ballot shall be an "overvoted" test ballot, on which every contested office and ballot measure has received exactly one more vote than is allowed. Tests for "overvoted" test ballots will comply with the ballot processing regulations presented herein.

"No Votes" Test Ballots:

One "no votes" test ballot shall not contain any marks other than those needed for precinct or ballot style identification. This test should result in undervotes being cast for each contest in every occurrence in the test. Tests for "no votes" test ballots will comply with the ballot processing regulations presented herein.

"Recall Measure and Candidates Contest" Test Ballots:

Recall elections, conducted in accordance with California state recall rules and laws (as of the date of this publication) and which include two official candidates, shall consist of a series of at least fifteen test ballots shall be prepared as follows:

1. Marked "Yes" only

2. Marked "No" only

3. Marked "Yes" and for the first candidate

4. Marked "No" and for the first candidate

5. Marked "Yes" and for the second candidate

6. Marked "No" and for the second candidate

7. Marked "Yes" and for both the first and second candidate

8. Marked "No" and for both the first and second candidate

9. Marked both "Yes" and "No" and for the first candidate

10. Marked both "Yes" and "No" and for the second candidate

11. Marked both "Yes" and "No" and for both first and second candidates

12. Marked both "Yes" and "No" only

13. Marked for first and second candidate only

14. Marked for first candidate only

15. Marked for second candidate only

When the recall election has more than two candidates, additional test ballots shall be marked for each additional candidate with a "Yes" vote and a vote for the candidate, in each ballot. The third candidate should get 4 ballots, the fourth should get 5 ballots, etc.

When there is a recall and only one official candidate, test ballot card sets, numbered 1, 2, 3, 4, 9, 12, and 14 only shall be prepared.

2.8.3 CERTIFICATION OF LOGIC TEST

Logic test requirements apply to all elections; however, submission of the seven-day certification of logic testing to the Secretary of State is required only prior to statewide elections and elections to fill vacancies in the legislature or congress.

2.9 RETENTION OF TEST MATERIALS AND RESULTS

The successful logic and accuracy tests, conducted at the time of certification (or recertification, if necessary) to the Secretary of State, storage logs or records, if any, and balancing reports, if any, shall be retained as long as the ballots are kept for the election. The official logic test ballot cards used for balancing prior to and upon completion of processing official ballots shall also be kept for as long as the ballots are kept. Back-up decks and other test decks may be destroyed or used to train operators for other elections.

2.10 LOGIC AND ACCURACY BOARD

The election official shall establish a Logic and Accuracy Board to complete certification of testing. Not later than seven (7) days before each statewide election, the Secretary of State must receive a copy of the Logic and Accuracy Board's certification. For local and district elections, the Logic and Accuracy Board members

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shall submit their copy of the Logic and Accuracy Board's certification to the local election official conducting the election.

The Logic and Accuracy Board shall be comprised of the same persons prior to, during, and after the election. The Board shall have the following duties:

- Receive from the election official all required test materials and take steps to ensure the security of said materials prior to, during, and after the election, except when the materials are properly in the possession of one of the other boards or election officials as required by these procedures.
- Verify the correctness of the logic and accuracy test MemoryPacks and the logic and accuracy test ballots. This verification shall also be required for any of such material which must be replaced.
- Observe the performance and verify results of all required tests.
- Note any discrepancies and problems and affirm their resolution or correction.
- Deliver into the custody of the election official all required test materials and printed output.
- Certify to the performance of each of the above-prescribed duties as well as those otherwise established by the procedures; provide that all members of the Board shall sign the appropriate certificate or certificates.

A copy of a sample certificate is attached to these procedures as Appendix B.1.

2.11 BALLOT TALLY PROGRAMS

The election official shall send ballot tally programs to the Secretary of State pursuant to sub-chapter 7.5 herein. These must be received by the Secretary of State no later than seven (7) days before each statewide election.

2.12 ELECTION OBSERVER PANEL

The election official shall establish an Election Observer Panel pursuant to sub-chapter 7.3 herein.

2.13 HARDWARE MAINTENANCE

Ballot counting equipment must be maintained in a satisfactory manner in accordance with vendor specifications, where available.

Individual component testing, and maintenance if necessary, shall be performed by qualified personnel within 50 days before each election. At the time of this writing, such hardware consists of Optech 400-C Voting System as described herein, and the Summary System (if employed). The Summary System includes one or more Personal Computers, with printer(s) and optional tape drives as added backup.

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3   Election Procedures

(Many of the procedures presented in this Chapter 3 can be supported by illustrations when presented as instruction to Election Boards. Such practice is encouraged.)

3.1   INSPECTION AND DELIVERY OF PRECINCT SUPPLIES

Instruct the Precinct Board to make the following checks prior to Election Day:

1. Check all pads of ballots to ensure that ballot style identification numbers, serial numbers, and precinct numbers (if used) printed on the ballots are correct.

2. Report any problems to the election official responsible for the election.

3. Supplies necessary for the conduct of elections at polling places shall be delivered as follows:

   - Ballots shall be in the quantity and manner required by the California Elections Code, as well as demonstrator ballots marked for demonstration use only.
   - In primary elections, ballots shall be appropriately tinted for each political party and for nonpartisan voters, as directed by the Secretary of State.
   - Demonstration or voting instruction placards.
   - General purpose precinct supplies as provided in the California Elections Code.
   - Secrecy sleeves or envelopes, if ballots are printed on two sides.
   - Ballot marking devices.
   - A Certificate of Packaging and Sealing, in duplicate, together with a postage paid self-addressed stamped business reply envelope, or postcard addressed to the responsible election official.
   - Sample ballots of each ballot style as required by the California Elections Code.
   - Seals and any other supplies and forms deemed necessary.

3.2   PROCESSING ABSENT VOTER BALLOTS

3.2.1   DISTRIBUTION OF ABSENT VOTER BALLOTS AND SAMPLE BALLOTS TO VOTERS

Before distribution of absent voter ballots to voters who request them, the ballot style numbers of the ballot and the sample ballot to be mailed shall be compared to ensure a match.

3.2.2   APPLIED ABSENT VOTER LIST

A list, or an identification on the Roster-Index, of absent voter ballot applicants is to be supplied to each precinct.

3.2.3   *RETURNED ABSENT VOTER BALLOTS*

Not more than five (5) days prior to an election, begin preparing returned absent voter ballots for counting, as follows:

1. Confirm that the voter's signature on the Identification Envelope has been verified.

2. Sort envelopes according to ballot style.

3. Open each envelope and remove the voted ballot.

4. Place empty Identification Envelopes in a designated storage area.

5. Examine absent voter ballots for cause for rejection and damage; process in the manner prescribed for Ballot Inspection Boards herein.

6. Deliver ballots to be processed to designated official for secure storage until time for processing.

3.3   PROCESSING PROVISIONAL VOTER BALLOTS

Provisional voter ballots are in substantially the form of absent voter ballots and are to be used at all elections by voters who claim to be registered but who's right to vote cannot be immediately established.

Provisional voter ballot envelopes shall be printed in substantially the same form as absent voter ballot envelopes, but shall be distinguished by a different color or other means of discrete identification.

Procedures for tallying provisional voter ballots shall be those set forth in the California Elections Code and by the election official.

The "corrected precinct" provisional ballot resolution function in WinEDS shall not be used to resolve provisional ballots in split precincts.

3.4   POLLING PLACE PROCEDURES

3.4.1   *BEFORE POLLS OPEN:*

1. Complete Oath of Office and Declaration of Intention forms pursuant to the California Elections Code.

2. Assemble voting booths and in each booth display a copy of materials required by the California Elections Code.

3. Make a pad of demonstration ballots, markers and suitable demonstration materials available.

3.4.2   *WHILE POLLS ARE OPEN:*

1. During the day, at least every hour, inspect each booth to ensure that there are no electioneering materials present and that the booth is otherwise suitable for voting ballots. As far as possible, defacement conditions shall be corrected.

2. Offer to instruct each voter in the proper method of voting by completing the arrow graphic, casting write-in votes and using the secrecy sleeve. Offer each voter further instruction and practice time, if necessary.

3. Write-in space is provided on the ballot The voter must both write the name of the candidate and complete the voting position arrow.

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4. Surrender of Absent Voter Ballot:

    No person to whom an absent voter ballot was issued is permitted to vote at the polling place unless he/she surrenders the ballot. The ballot is to be marked "SURRENDERED" and placed in the appropriate container as specified by the election official. The voter is then permitted to vote in the normal method for the precinct.

    Any person to whom an absent voter ballot was issued may vote a precinct voter ballot provisionally without surrendering the original ballot by providing precinct officials with a statement, signed under penalty of perjury, that the voter has not voted and will not vote any other ballot in that election.

5. Voted Ballot Sealed:

    If a voter returns a voted absent voter ballot, verify that the ballot is sealed into and that the signature of the voter is on the identification envelope. Require any person who returns an absent voter ballot in person, either to a polling place or to the elections office, to sign an envelope, log or record before depositing his or her voted and sealed ballot in the specially marked container.

6. The voter, upon leaving the voting booth, shall place his/her voted ballot in the secrecy sleeve with stub exposed and proceed to the ballot box station. There, a precinct officer shall remove the stub and hand it to the voter. This same precinct officer shall next deposit the ballot in the ballot box, keeping the voted ballot hidden from view, but holding the secrecy sleeve so that it is not deposited in the ballot box along with the voted ballot. The empty secrecy sleeve may be reissued to later arriving voters. If the ballot is printed on only one side, use of a secrecy sleeve is optional.

3.5 CLOSING OF THE POLLS

IMPORTANT: THE FOLLOWING PROCEDURES MUST BE COMPLETED IN PUBLIC VIEW.

1. Promptly at 8 p.m. declare, "The polls are closed."

    - Any voter in line at the closing must be allowed to vote.
    - No one who arrives after 8 p.m. may vote.

2. Deface and/or seal all unused official ballots, as directed.

3. Count contents of ballot box:

    - Absent voter ballots, if any
    - Provisional voter ballots
    - Precinct voter ballots

4. Complete the Ballot Statement, showing:

   a. Total number of official ballots received from the election official

   b. Number of spoiled ballots

   c. Number of unused ballots

   d. Number of provisional voter ballots

   e. Number of precinct voter ballots

   f. The sum of the numbers of spoiled ballots, unused ballots, provisional voter ballots, and precinct voter ballot should equal the number of official ballots entered as received from the election official in sub-step a herein.

   g. An explanation of any discrepancy shall be shown.

5. Reconcile the number of precinct voter voted ballots to the number of signatures in the Roster-Index. Explain any discrepancy.

6. Complete the "Certificate to Roster" showing:

   - The name(s) of person(s) who, after signing the Roster, failed to vote because of challenge, or other reason
   - The number of persons who voted in the precinct
   - A certification to the accuracy of the Ballot Statement
   - The signatures of all board members

7. Procedures for Voted Absentee Ballots:

   If voted absent voter ballots were placed in the ballot box:
   - Leave Identification Envelopes sealed.
   - Enter the number of such ballots in the appropriate space on the Certificate of Packaging and Sealing.
   - Place the ballots in the designated container for return to the election official.

8. Procedure for Provisional Voter Ballots is as follows:

   Enter the number of provisional voter ballots removed from the ballot box in the appropriate space on the Certificate of Packaging and Sealing, and place the ballots in the designated container.

9. Procedures for Voted Ballots are as follows:

   - When all ballots have been examined, place non-voted ballots in a designated container for delivery to the counting center.
   - Count all voted ballots to be accounted for on election night. The count includes regularly voted ballots and questioned ballots. It does NOT include absent voter ballots or provisional voter ballots.
   - Enter the total in the proper box on the Certificate(s) of Packaging and Sealing and elsewhere as directed. This total should agree with Step 4: *Number of precinct voter ballots*, on the Ballot Statement (i.e., the number of precinct voter voted ballots).
   - Place all voted ballots to be processed on election night in the appropriate return container. This group must include questioned ballots.
   - Close the return container and seal with a tamper-proof seal.

10. Procedure for non-Optech 400-C Ballots is as follows:

    Process non-Optech 400-C Ballots by counting the number of ballots other than Optech 400-C ballots that might be used in the election in the manner prescribed by the California Elections Code. Seal voted ballots as directed.

11. Package for return as follows:

    - Seal precinct voter ballots, absent voter ballots, and provisional voter ballots in containers(s), as directed.
    - Seal Roster-Index, precinct index and purged voter index as directed.
    - Package or seal all other supplies, as directed.
    - Dismantle voting booths.
    - Certificate of Packaging and Sealing

    Verify that the numbers of precinct voter ballots, absent voter ballots, and provisional voter ballots have been correctly entered on the Certificate of Packaging and Sealing. Verify that the required materials have been placed into the appropriate container or containers, listing the materials inserted in each container and indicating that the container or containers were appropriately sealed. After all entries have been completed, each member of the board shall sign the Certificate. After the polls close, the original Certificate shall be mailed to the election official by a member of the precinct board other than the members who return the ballot container. A self-addressed stamped envelope shall have been provided for this specific purpose. The copy of the Certificate shall accompany the ballot container to the central counting location.

3.6   RETURNING VOTED BALLOTS

Return all ballots and supplies as directed by the election official.

At least two precinct board members must accompany all ballots until they are in the custody of the election official and a properly-executed receipt has been provided.

> *IMPORTANT: DO NOT RELEASE BALLOTS TO CUSTODY OF ANY OTHER PERSON WITHOUT FIRST OBTAINING A RECEIPT.*

3.7   PROCESSING BALLOTS "CENTRALLY" ON ELECTION NIGHT

This sub-chapter presents procedures for processing ballots "centrally" on election night. Normally such processing will be done at a County Courthouse, County Administration Facility, City Hall or other such single facility. Nothing herein shall preclude however, the election night processing of ballots at other locations (and they may be several) such as polling places, remote public facilities, etc. When so done, the procedures presented here for "central processing" shall apply as far as is practical. At a minimum, all procedures for testing, sealing, logging, maintenance of the audit trail and subsequent transportation of ballots and election materials shall apply.

3.7.1   REPORT PRELIMINARY ABSENT VOTER TALLY RESULTS.

Report preliminary absent voter vote tallies, compiled pursuant to the California Elections Code, to the Secretary of State immediately following the close of the polls. This requirement shall apply to all elections for which election results are reported to the Secretary of State.

3.7.2   ESTABLISH AUDIT TRAILS.

The responsible election official shall establish procedures to account for all voted ballots during the semi-official canvass. These procedures shall record the time voted ballots were received from each precinct and shall determine from whom they were received and to whom they were submitted. In addition, each function listed under paragraph 3.7.3 is designated as a tracking point, and the responsible election official must track the receipt and processing of voted ballots by boards assigned to perform these functions.

3.7.3   APPOINTMENT OF BOARDS

The election official responsible for the conduct of an election shall appoint boards to carry out the following semi-official canvass functions:

- Absent Voter and Provisional Voter Ballot Processing
- Logic and Accuracy Testing
- Seal and Container Inspection
- Ballot Inspection
- Ballot Processing
- Ballot Duplication
- Write-In Ballot Processing
- Ballot Storage
- Elections Observer Panel

Other boards may be deemed necessary by the responsible election official. Individuals appointed to the boards may perform more than one function or serve on more than one board.

The semi-official canvass functions listed above must be performed by a minimum of three persons. Each board member shall be appointed to perform the function designated.

Each person who handles ballots at the central or remote counting location shall sign the following declaration:

> "To the best of my knowledge and belief, I did not tamper with any ballot, or ballot counting equipment, nor did I observe any other person in any way tamper or interfere with the ballot counting process."

3.7.4   ABSENT VOTER AND PROVISIONAL VOTER BALLOT PROCESSING

Absent voter ballots and provisional voter ballots returned to polling places on Election Day are sealed in envelopes by precinct boards for return to the designated counting location. These envelopes shall be removed from the precinct supply kits on election night. The condition of the seals shall be inspected, and any defects shall be noted and reported as required by the election official.

Absent voter and provisional voter ballots received on election night shall be handled by one of the following two options:

- Processed in accordance with these Procedures and the California Elections Code
- Maintained in a secure location accessible only to designated persons under controlled conditions before being processed pursuant to sub-chapters 3.2 and 3.3, herein.

3.7.5   LOGIC TESTING

IMPORTANT: LOGIC TESTING SHALL BE OR SHALL HAVE BEEN PERFORMED PURSUANT TO THE PROVISIONS OF CHAPTER 2, HEREIN.

3.7.6   SEAL AND CONTAINER INSPECTION (TRACKING POINT)

1. Examine each sealed voted ballot container, paying particular attention to the condition of the container and seal.

2. Note and initial on a control document the precinct number of ballot containers with broken or improperly secured seals.

3. Refer any defects to the appropriate board or to the election official as directed.

4. Forward properly sealed ballot containers for ballot inspection.

3.7.7   BALLOT INSPECTION (TRACKING POINT)

Inspection of ballots received on election night shall be performed as follows:

1. Receive, break the seal, and open the inspected containers.

2. Remove the voted ballots.

3. Maintain a control log for the ballots of each precinct. This control log shall indicate the number of voted ballots reported by the precinct officials.

4. Remove any portion of the stub, such as an incompletely detached perforation, that remains attached to a ballot.

5. Forward any torn, soiled/defaced, or other obvious ballot irregularities for ballot duplication.

3.7.8   BALLOT PROCESSING

Ballot processing through the Optech 400-C shall:

- Be done in the presence of at least two people, one of whom will be the system operator who is responsible for managing and monitoring system operation and reporting. Changes in system operators shall be logged, with time of change indicated.

- Utilize one operator assigned to each Optech 400-C. If an Optech 400-C is idle, the operator can be assigned to another. The movement of operators shall be tracked and logged.

  All Optech 400-C operators shall be supervised. If using Precinct Mode, the election official shall provide the Optech 400-C operator with either precinct header cards or the precinct numbers to simulate a precinct header card.

- Maintain an audit trail that links operators and ballots to specific Optech 400-C Voting Systems.

- Maintain a record or log of the sequence in which precincts were processed along with a recording of system irregularities in processing.

- During processing of ballots through the Optech 400-C, outstacked ballots are diverted to the outstack tray and must be cleared before a precinct or batch can be ended. Remove the outstacked ballots, place them in the feed hopper and retry reading the outstacked ballots. After this second reading, if there are still outstacked ballots, separate ballots that cannot be read by the Optech 400-C. These ballots must be identifiable to the precinct from which they are separated and delivered to the proper board for resolution. This includes such items as damaged ballots or blank ballots.

- After reading a batch of ballots in mixed precinct mode, or after processing several precincts in precinct header mode, make a backup copy of the vote totals.

- Maintain ballots together by precinct for delivery to the Storage Board.

3.7.9   BALLOT DUPLICATION

Ballots shall be duplicated according to the following procedure:

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3.7.9.1 DAMAGED BALLOTS

(Damaged ballots may be duplicated before processing or after rejection by the Optech 400-C, or both.)

Deliver damaged voted ballots to the appropriate location for processing. All ballots prepared as duplicates of damaged voted ballots shall be of a distinctive color, or be identifiable by other distinguishing means, clearly labeled "duplicate," and shall be given a serial number which shall also be recorded on the damaged ballot.

In creating the duplicate ballot, one board member shall duplicate voting positions marked on the damaged ballot, and shall enter a facsimile of the write-in vote(s), if any. Efforts need not, and should not, be made to match the handwriting characteristics of the voter when entering these write-in facsimiles. Particular attention must be paid to completing or not completing the arrows opposite the write-in spaces as the voter did, or failed to do. Another member shall verify that the voting position marks and write-in entries (including arrow completions or lack thereof) on the duplicate ballot match exactly those on the damaged ballot.

Duplicates of damaged ballots shall be placed with voted ballots of the appropriate precinct for further processing, tallying, and storage. The original ballot which has been duplicated shall be distinctively voided, placed in clearly identified containers for damaged ballots, and segregated in a secure location so they cannot be counted inadvertently.

3.7.9.2 "BLANK" BALLOTS

When ballots are processed centrally, the Ballot Processing Board may forward "blank" ballots for processing. Such ballots will carry voting position marks that cannot be read by the Optech 400-C usually because reflectivity of these marks is not within specifications. They are to be duplicated, following the same procedures specified in paragraph 3.7.9.1, herein.

3.7.10 WRITE-IN VOTES PROCESSING (TRACKING POINT)

Ballots having write-in votes will be identified automatically under program control as they are processed through the Optech 400-C. Write-in votes processing shall be performed AFTER regularly voted ballots are processed through the Optech 400-C.

If ballots containing write-in votes are found in the Optech 400-C bin designated for this purpose, the Ballot Processing Board, or a separate Write-In Processing Board, shall prepare the ballots for manual tally, as follows:

1. Check the ballot for the precinct to determine the number of candidates to be elected to the office for which there was a Write-In.

2. Examine the voting positions on the ballot for the office where the write-in vote occurs. If any of the voting positions for that office are marked and if the number of voting position marks plus the number of write-in votes (with voting position arrows filled in opposite the write-in) exceeds the number of candidates to be elected, an overvote exists and none of the votes for the office may be counted.

3. If an overvote is found, invalidate all votes for the overvoted office by writing "VOID" across the write-in name(s).

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4. Refer to the list of qualified write-in candidates provided by the election official:

If the name written in is not on the list, write "VOID" across the name and place the write-in ballot in the designated container.

If the name is on the list but the write-in is not made in the space(s) provided for the office for which the candidate is qualified, write "VOID" across the name and place the ballot in the designated container.

If the write-in vote is for a qualified candidate in the precinct, place the write-in ballot in the container designated for valid write-in votes, if such votes are to be tallied by a separate board. If the board examining the ballots with write-ins is assigned to tally them, they shall do so, using the result sheets and other control documents provided.

5.   The write-in resolution function in WinEDS shall not be used to resolve Write-in votes.

3.7.11 BALLOT STORAGE

A Ballot Storage Board shall:

1. Receive directly from the Ballot Processing Board all ballots for each precinct.

2. Secure all voted ballots until the final logic and accuracy tests are completed following the semi-official canvass.

3. Following the final logic and accuracy test for the semi-official canvass and during the official canvass, all voted ballots must be maintained in a locked and sealed room or containers any time the ballots are unattended.

4. Any authorized entry into ballot containers must be accompanied by a record or log noting time, place, persons involved, and reasons for breaking the seal.

5. Following certification of election results and the period for recount requests, the ballots may be moved to storage for the ballot retention requirements of the election, provided the ballot containers remain sealed.

6. For purposes of this paragraph, all seals shall be destructible seals as defined in paragraph 1.3.17, herein.

7. The election official shall not open any ballot containers nor permit any ballot containers to be opened except as permitted pursuant to the California Elections Code, or in the event of a recount.

3.7.12 ELECTIONS OBSERVER PANEL

Pursuant to the California Elections Code, all proceedings at the central counting place shall be open to the view of the public and no person except one employed and designated for the purpose by the elections official or authorized deputy shall touch any ballot container, or other tabulating equipment. Access to the area where the electronic data-processing equipment is being operated may be restricted to those authorized by the elections official.

All unescorted persons present within the security area, including visitors, media representatives, and standby personnel, shall be clearly identified by a badge or other means and a log of their arrival and departure times. All unescorted personnel shall be subject to the restrictions established by the responsible election official to ensure the efficiency and integrity of the vote tallying process.

3.8   VOTE TALLY REPORTING: USING SUMMARY SYSTEM

3.8.1   FOLLOWING PROCESSING OF LAST BALLOT FROM PRECINCT:

Following the processing of the last ballot from a precinct (or absentee ballot style), the Optech 400-C operator shall:

1. Insert a blank, formatted floppy diskette in the floppy disk drive and make a backup copy of the vote totals, including naming the file. (The election information will be copied to the diskette.)

2. Remove the diskette from the floppy disk drive and label it with the election name and current date.

3. Print a Precincts Processed Report and keep it with the backup diskette for a record of the precincts that have been backed up.

4. Deliver the diskette and the report to the Summary System operator(s).

3.8.2   UPON RECEIPT OF FLOPPY DISKETTE AND REPORT:

Upon receipt of the floppy diskette and report, the Summary System operator shall:

1. Make an entry of this on a log designed for the audit purpose.

2. Cause the data to be read into the Summary System.

3. Produce election results bulletins as required.

3.8.3   REPORTING ELECTION RESULTS

The Election Official shall report elections results, as specified, to the Secretary of State for statewide elections and specified special elections.

3.8.4   IF CERTAIN PERIPHERAL DEVICES ARE AVAILABLE:

If such peripheral devices are available, the Summary System operator may use floppy diskettes, or magnetic tape to create backup files throughout the Summary System process.

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3.9   VOTE TALLY REPORTING: WITHOUT USING SUMMARY SYSTEM

Following the processing of the last ballot from a precinct (or absentee ballot style), the Optech 400-C operator shall:

1. Insert a blank, formatted floppy diskette in the floppy disk drive and make a backup copy of the vote totals, including naming the file. (The election information will be copied to the diskette.)

2. Remove the diskette from the floppy disk drive and label it with the election name and current date.

3. Print a Precincts Processed Report and keep it with the backup diskette for a record of the precincts that have been backed up.

4. Set up the report format print options available for the reports. (See manufacturer's documentation for specific application of the options.)

5. Generate reports as required by the Election Official.

Sign ALL reports containing Certification Messages, as required by the Election Official.

The Election Official shall report as specified in paragraph 3.8.3 herein.

If such peripheral devices are available, the operator may use floppy diskettes or magnetic tape to create backup files throughout the process.

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4   Official Canvass and Post-Election Procedures

4.1   PURPOSE OF THE OFFICIAL CANVASS

The Official Canvass consists of a post-election audit of all of the voting precincts' returns and the absent voter ballot returns:

- To validate the outcome of the election by verifying that there were not more ballots cast than the sum of the numbers of voters who signed the precinct Roster/Index and who applied for and were issued absent voter ballots

- To account for all official ballots produced for the election; to ensure that all required certificates and oaths were properly executed by the precinct board

- To verify the accuracy of the computer count by manually recounting the voted ballots from at least one percent of the voting precincts and comparing the manually-tallied results to the computer-generated results

Each Official Canvass function must be performed by a minimum of three persons.

4.2   CANVASSING PRECINCT RETURNS

1. Process provisional voter ballots returned by each precinct.

   a. Verify eligibility of persons who cast ballots provisionally.

   b. Open envelopes of eligible voters and remove provisional voter ballots.
      Examine ballots for write-in votes, noting cause for rejection and damage.
      Process in the manner prescribed for Ballot Inspection Boards.
      Identify original or duplicate provisional voter ballots by precinct and deliver to the designated official for updating computer tallies.

   c. Write the reason for rejection on envelopes of ineligible voters. Place unopened envelopes with election materials to be retained for the period prescribed by law.

2. Examine the Ballot Statement prepared by each precinct board.

   a. Compare the number of official ballots reported "received" by each precinct to the number issued by the election official. Resolve or explain any discrepancy.

   b. Verify that the number of ballots voted (including those voted provisionally), plus spoiled and unused ballots, equals the number received by the precinct. Resolve or explain any discrepancy.

3. Reconcile tallies:

   a. Compare the number of signatures in the Roster-Index to the number of precinct voter ballots reported on the Ballot Statement. Resolve or explain any difference between the two.

   b. Compare the number of ballots voted by provisional and precinct voters to the precinct's computer tally. Resolve or explain any discrepancy.

      Remake and process any ballots not counted on election night because of damage, invalid identification punches, or any other reason.

      Search election supplies and equipment, including unused and spoiled ballots, ballot containers, etc., for ballots not accounted for.

      Process any found ballots.

4.3   CANVASSING ABSENT VOTER BALLOTS

The election official is accountable for absent voter ballots to the same extent, as nearly as practicable, as for precinct ballots.

1. Prepare a Ballot Statement for each ballot style or special absent voter "precinct" showing the number of ballots produced (received), any defective ballots received from the vendor, spoiled or damaged ballots, the number of returned ballots that were challenged, and the number to be counted.

2. Reconcile the statement to demonstrate that the total of unused, defective, spoiled, issued, and replaced ballots equals the number received. Resolve or explain any discrepancy.

3. Compare the computer count to the number of ballots to be counted, as shown on the Ballot Statement. Resolve or explain any discrepancy.

4. Process any outstanding ballots not counted in the semi-official count.

4.4   CANVASSING WRITE-IN VOTES

1. Examine the ballots with write-ins that were processed by Ballot Inspection Boards, separate Write-in Processing Boards, Absent Voter Ballot Processing Boards or Canvassing Boards to verify that the names written in are for valid candidates.

2. Review the tallies of valid write-in votes by precinct or absent voter ballot style, and summarize by jurisdiction.

3. Prepare "Statement of Write-in Votes" for inclusion in the official "Certified Statement of Election Results."

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4.5   AUTOMATIC MANUAL RECOUNT OF 1% OF PRECINCTS

For the purpose of validating the accuracy of the computer count, within fifteen days after every election at which the Optech 400-C voting system was used, a public manual recount of the ballots cast in at least one percent of the precincts, chosen at random (except as described in para. 4.5.3, below), shall be conducted as to all candidates and ballot measures voted on. If the random selection of precincts results in an office or ballot measure not being manually recounted, as many additional precincts as necessary shall be selected and manually recounted as to any office or ballot measure not recounted in the original sample.

Pursuant to the California Elections Code precincts selected at random shall be chosen by an individual who is designated by the responsible election official and who is not the same person, or a relative of the person responsible for election coding. Selected precinct numbers shall not be revealed to such personnel until the semi-official count is complete.

In the event an Optech 400-C device fails after the semi-official or official ballot tally process has begun, and regardless of whether or not the equipment is to be returned to service following repair and successful processing of the prescribed logic and accuracy tests, the ballots from the last precinct tallied on the equipment prior to the failure shall be included in the automatic manual recount.

If a discrepancy is discovered between the automated tally and the automatic manual recount tally, each precinct's ballots which had been read and processed by the failed equipment, subsequent to the time of the last successfully completed logic and accuracy test by the failed equipment, shall be tallied again.

The guidelines set forth in sub-chapter 5.5 concerning the interpretation and counting of valid voting position marks, shall be followed during the automatic recount of ballots.

4.6   UPDATE OF COMPUTER COUNTS

(This may be done as often as the election official deems necessary during the canvass process.)

1. During the Official Canvass, previously uncounted validly voted ballots must be counted in compliance with provisions of this Chapter 4. Optech 400-C devices and Summary Systems may again be used. Any and all equipment and components to be used for this purpose must have Logic and Accuracy tests performed as directed herein.

2. Verify that provisional voter ballots, add-on ballots from election night or found during the canvass, and add-on absent voter ballots have header code printing of the appropriate configuration and for the correct precinct or ballot style.

3. Process ballots, by precinct, or ballot style, through the ballot counting program. Compare new computer counts to Ballot Statements. Resolve or explain any remaining discrepancies. Original and later Logs and Reports may be examined to facilitate this resolution.

4. If the original computer count for any precinct has been found to be incorrect, or if there are precincts in which unresolved discrepancies remain, the ballots from such precincts shall be reprocessed through the ballot counting program. Compare new computer counts to Ballot Statements. Resolve or explain any remaining discrepancies. Original and later Logs and Reports may be examined to facilitate this resolution.

5. Upon completion of update session, rerun Logic and Accuracy Tests and confirm results.

4.7   CHECKING UNUSED BALLOTS

Unused ballots will be processed in accordance with the California Elections Code. Precinct officers will seal or deface unused precinct ballots, and election personnel in the office of the election official will seal or deface unused absent voter ballots and unissued ballots. The election official may inspect and count unused ballots as necessary to reconcile the ballot count during the official canvass.

4.8   RETENTION OF ELECTION MATERIALS

Upon the certification of the election results, the California Elections Code applies to the handling, security and disposition of unused ballots and other elections materials. The retention period for ballots and related election materials is six months for all elections if no federal elections are involved. The federal election retention period is 22 months. Retention periods may be extended in the event of a court challenge.

4.9   ADHERENCE TO ESTABLISHED PROCEDURES

All operations associated with the official canvass and post-election procedures shall be performed in accordance with the applicable control and security provisions of this document. No operation or activity which results in a revision to voting data produced by the semi-official canvass shall be performed without the presence of a properly-constituted Election Observer Panel, Logic and Accuracy Board, or an equivalent administrative and technical control body authorized to verify the correctness of the operations and responsible for maintaining accurate and complete audit records.

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5   Manual Recount Procedures

5.1   REQUEST FOR RECOUNT

A request for a recount and the conduct of the recount shall be made in accordance with the California Elections Code and the following sub-chapters herein.

5.2   OBSERVERS

Each candidate, and each side in the case of a ballot measure, shall be allowed not more than two observers for each recount board. Observers may not interfere in the recount process, nor direct questions to any member of the recount board, and may not touch or handle the ballots. All questions must be directed to the election official in charge of the recount.

5.3   HOURS OF OPERATION

Prior to the beginning of the recount, all parties will be notified of the hours of operation.

5.4   BALLOT SUPERVISION/BREAKS

At least two people will attend ballots at all times during the recount, including breaks and lunch periods.

Recount boards will be permitted break periods in the morning and afternoon, in addition to a lunch break. They will not stop for a break or for lunch while recounting a precinct.

5.5   VOTING ARROW MARKING

As determined within the law by the election official or court of jurisdiction, any mark or vote where voter intent is clear and obvious shall be counted. Any mark or vote where voter intent is not clear and obvious shall not be counted.

5.6   OVERVOTE

A ballot condition which arises when the voter votes for more candidates than the number of candidates to be elected. In an office to which one candidate can be nominated or elected, a second vote creates an overvoted condition. The result is that no vote for that office can be tallied, since the voter's intent is unknown.

In the case of ballot measures, a "Yes" vote and a "No" vote for the same measure creates an overvote condition.

No vote shall be counted for any candidate or ballot measure when an overvote occurs. The number of overvotes shall be recorded for each office or ballot measure.

5.7   UNDERVOTE

A ballot condition which arises when the voter votes for fewer candidates than the number of candidates to elect, or when the voter does not vote for or against a ballot measure.

Tallying the number of undervotes in a manual recount will add significant time to the manual recount process. The undervotes should be tallied only as part of the machine tally process.

5.8   BLANK (NON) VOTES

A ballot condition which arises when the voter does not vote for any candidate to an office or for or against a ballot measure. (See sub-chapter 5.7.)

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6   Election Security Provisions

6.1   BALLOT COUNTING SYSTEM SECURITY

The election official shall ensure the protection of the election tally process from intentional and/or fraudulent manipulation, malicious mischief, accidents, and errors.

Within one year following the adoption of these procedures, each jurisdiction shall:

- Establish procedures to identify changes to the ballot tallying system, including dates and times that files are created, modified, or accessed, and by whom. These procedures must also include a checklist and sign-off requirement for Logic Testing.

- Establish procedures for the physical protection of facilities, and data and communications access controls; including intrusion and fire alarms, temperature and humidity sensors, etc.

  The procedures shall also include provisions for locked facilities for computers which are dedicated discretely to elections as well as for voted and non-voted ballots and counted and uncounted ballots. Such procedures shall not preclude the accessibility of Optech 400-C nor computers for purposes of testing, repair, demonstration, training or for other purposes, which are deemed justifiable by the election official.

- Establish contingency plans for ballot counting, including either backup ballot counting facilities under the election official's supervision, or the availability of such facilities from another jurisdiction, or from a vendor, or from another source. Such plans may take note of the existence of multiple Optech 400-C, and/or multiple components of the Summary System, if such is the case, citing these situations as adequate backup.

  In addition to the ballot counting program sent to the Secretary of State, each election official shall store another copy of the ballot counting program in an off site secure-but-readily-accessible location.

- Establish procedures for internal security, i.e., the protection of ballot counting hardware, firmware, and software from fraudulent manipulation by persons within the elections office.

  These procedures must provide for:

  o   Restricted access to ballot counting hardware, firmware, and software;

  o   Individual passwords which must be complex and frequently changed;

  o   Physical protection of all non-voted precinct and absent voter ballots, as well as of all tallied and non-tallied ballots, by use of logs to chronicle their quantity, use, and access before and after the election.

A complete copy of each election official's security procedures shall be submitted to the Secretary of State for review and approval by February 1 of each even-numbered year beginning in 1992. In lieu of the annual submission of this plan, the election official may affirm that no change has been made to previously approved procedures, or may submit updates to the procedures on a continuing basis. If no such plan has been formulated prior to February 1, 1992, it shall be submitted when completed.

6.2   AUDIT TRAILS

All ballot counting operations, including mandated pre- and post-election testing, must be documented in sequential order. An automated and/or manual record or log must be maintained to record the time and date of "system events" related to ballot counting.

6.2.1 SYSTEM EVENTS

"System events" in the ballot counting process include:

- Initiation of the ballot count program
- Initiation of ballot tabulation
- Clearing totals
- Running logic and accuracy tests
- Hardware failures, if any
- Repairing hardware (including running accuracy tests after repairs), as needed
- System crashes and restarts, if any
- Communications between multiple systems, if employed
- Lost communication to remote sites, if employed
- Time communication is restarted, if employed

This log or record shall be continued until final certification of results, shall be retained for the same time period as ballots for that election, and shall be subject to the same physical security and integrity measures.

6.2.2 SPECIFIC AUDIT TRAILS

Specific audit trails shall include where applicable:

- Exception Handling/Error messages during ballot tallying, including:
  - Messages generated by the computer's exception handlers or error routines. (The exception handling/error message may be in numeric error code, English language translation, or a combination of the two.)
  - Identification code and number of hardware and software failures (their source and disposition).
  - Record of the operating system's data read/write/verify, parity or check sum errors and retries.
- System status messages, such as:
  - Diagnostic and status messages upon start up of ballot tallying
  - "Zero totals" check
  - Initialization or termination of processing by Optech 400-C voting systems.
- Operator interaction with system (TIME, ACTION TAKEN).
- Ballot-related exceptions (e.g., ballots not machine-readable, ballots requiring special handling, aborted or deleted precincts, etc.).
- Copies of required tests.

6.3   STATISTICAL BALLOT DATA REQUIRED

The following items are critical to tracking and reporting the ballot counting process, and must be maintained:

- For the election definition phase, diagnostic proof listings of candidates and active vote positions for each ballot style or precinct
- The number of ballots read within each precinct, by type, including totals for each party in primary elections
- The total number of ballots processed
- Separate accumulations and reporting of the quantity of overvotes, undervotes, and write-ins within each precinct for each race or issue
- Availability of the above information in summary and by precinct.

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7   Certification and Reporting Requirements

7.1   BIENNIAL CERTIFICATION OF HARDWARE

The California Elections Code requires each election official to inspect and certify the accuracy of their voting or vote tabulating equipment at least once every two (2) years. The election official shall certify the results of their inspection to the Secretary of State.

A copy of a sample certificate is attached to these procedures as Appendix B.2.

7.2   HARDWARE CERTIFICATION AND NOTIFICATION

7.2.1   CERTIFICATION

All ballot readers and specialized vote tabulating equipment must be certified for use in elections by the Secretary of State prior to use in any election.

Certification procedures are available upon request from the Secretary of State's Elections Division.

7.2.2   NOTIFICATION

For each statewide election, the responsible county election official shall cause to be prepared a list, including quantities, of all equipment to be used to tabulate votes during the semi-official and official canvasses.

7.2.3   SEVEN (7) DAYS BEFORE STATEWIDE ELECTION

Seven (7) days before each statewide election, the election official shall certify to the Secretary of State the results of the logic tests as well as the accurate functioning of all ballot counting equipment. This certification shall also affirm the use of the same equipment for pre-election testing and for semi-official and official vote canvasses. In the event of a change to the ballot tally program occurring after this certification, an amended certificate shall be submitted no later than the day before the election.

7.2.4   IF ANY EQUIPMENT IS REPAIRED

In the event any equipment is repaired, altered or replaced following the certification specified in paragraph 7.2.3 herein and prior to completion of the official canvass of the vote, an amended certification of logic and accuracy testing and a revised list of equipment used must be submitted to the Secretary of State not later than submission of official canvass results.

7.3   ELECTION OBSERVER PANEL

All procedures prescribed herein shall be carried out in full view of the public insofar as feasible. In addition, the responsible election official shall devise a plan whereby all critical procedures of the vote tallying process are open to observation by an Election Observer Panel. Representatives of the qualified political parties and representatives of the news media may be among those invited to serve on this panel and shall be given the opportunity to observe that the correct procedures are followed in the receiving, processing, and tallying of all voted ballots.

7.4   LOGIC AND ACCURACY CERTIFICATION

A Logic and Accuracy Board shall be appointed by the responsible election official and, insofar as is practicable, shall be comprised of the same persons prior to, during, and after the election. The Board shall have the following duties:

1. Receive from the election official all required test materials and take steps to ensure the security of said materials prior to, during, and after the election, except when the materials are properly in the possession of one of the other boards or election officials as required by these procedures.

2. Verify the correctness of the logic and accuracy test MemoryPacks and the logic and accuracy test ballots. This verification shall also be required for any of said material which must be replaced.

3. Observe the performance and verify results of all required tests.

4. Note any discrepancies and problems and affirm their resolution or correction.

5. Deliver into the custody of the election official all required test materials and printed output.

6. Certify to the performance of each of the above-prescribed duties as well as those otherwise established by the procedures; provide that all members of the Board shall sign the appropriate certificate or certificates.

Final pre-election certification shall be made to the Secretary of State no less than seven (7) days before each statewide election. This certification shall be made by the responsible election official based on the Logic and Accuracy Board's certification of successful testing. In the event an amendment to the ballot counting program is required following this certification, the election official must immediately recertify to the Secretary of State.

7.5   SUBMITTAL OF BALLOT TALLY PROGRAMS TO SECRETARY OF STATE

Ballot tally programs for statewide elections are to be deposited with the Secretary of State no later than seven (7) days prior to each statewide election. Ballot tally programs must be accompanied by the election official's certification of testing, the list of vote counting equipment used and a notification that he/she has caused MemoryPacks to be programmed in conformity with the ballot processing regulations as set forth herein. Refer to the California Elections Code. Should changes be required following certification and submission to the Secretary of State, resubmission and recertification is required.

7.6   ELECTION NIGHT AND POST-ELECTION REPORTING

Any delays in election night's semi-official canvass reporting due to hardware, software, environmental, or human causes which result in failure to report results to the Secretary of State at least every two (2) hours shall be reported to her or him by the 28th day following the election. The responsible election official may also report other delays in the processing of ballots as he or she deems appropriate.

7.7   PREPARATION OF SPECIFIC WRITTEN PROCEDURES

Each election official shall prepare specific written procedures for each phase, step and procedure in the preparation, operation of polling places, vote counting and official canvasses of elections. Written procedures must also include instructions to precinct officials regarding proper handling of absent voter and provisional voter ballots as well as a description of procedures used to manually recount ballots pursuant to the California Elections Code.

These procedures must be prepared and submitted to the Elections Division of the Secretary of State's Office. Upon submission, the election jurisdiction's procedures shall be reviewed for compliance with state procedures, and the election official shall be advised of any necessary revisions.

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8   Election Security Plan

8.1   PHYSICAL SECURITY

Physical security is stressed in each installation:

- The Optech 400-C should remain in a controlled, preferably locked area, with access limited to authorized staff.
- Should not be left unattended without first activating one or more levels of password protection.
- The Optech 400-C should be locked up between elections.
- The internal PC should be dedicated to election use.
- The doors on the PC should be locked to provide security against unauthorized entry.
- The master installation disk should also be locked up to prevent unauthorized changes.
- Controlled test elections should be run before and after each election to certify accuracy of processing.
- Non-essential workstations should not be connected to an Optech 400-C network.

8.2   CONTROLLED ACCESS

- The Optech 400-C operators should have controlled access to the keys that lock the CPU and doors. Destructable seals should additionally be used.
- The keyboard should be locked up inside the machine.
- An official of the central count jurisdiction should have keys available to use for inserting storage media during backup.
- Measures should be taken to prevent unauthorized operating system access to Sequoia 400-C computers, and to other machines on a 400-C network, if any. This is especially important if the room cannot be fully secured.
- First Security Agent, a third party product, should be used to protect against unauthorized entry into the system. This product allows different Windows users to have different security levels. This software is integrated with Windows security, so that it can be configured to allow an Administrator user full access to the system, while an "operator" user has permission to run the WinETP software and little or nothing else. The software also allows the operator to lock the system before they walk away, with a password required to unlock it.
- At least two persons in the county shall have administrator level access.

8.3   PASSWORDS

- Windows passwords should be used to protect against unauthorized entry into the system.
- Passwords shall, to the extent practicable, meet or exceed best practices for strong passwords.
- A password should be used for WinETP software, for protection for those reports that show candidate totals. One or two passwords can be used.
- Passwords must be changed before every election.
- Passwords and login IDs may not be used by anyone other than the individuals to whom they have been issued.
- A user should immediately change a password, if the password is suspected or known to be disclosed to an unauthorized party.

8.4   EQUIPMENT AND DATA SECURITY

- If the CPU cannot be dedicated, reload all software and data files from secured backup copies to assure an intact system.

- Do not allow unauthorized software to be run on the system, particularly "shareware".

- An approved virus-checking program must be installed on the PC. It should be updated, and a virus scan run immediately prior to each election, to protect against the introduction of viruses.

- Externally supplied floppy disks, CDs or DVDs shall not be used unless they have first been checked by the anti-virus software.

- The election official should verify and submit a statement, to the Secretary of State, stating that no program has been installed, or resides on the Optech 400-C, which is designed to work with Direct Access Objects.

- The vendor shall provide the jurisdiction a list of all software needed by the election management software. All other third-party software must NOT be installed, that has not been previously approved for use by authorized personnel, to prevent the introduction of software that may damage the Optech 400-C.

8.5   DESTRUCTIBLE SEALS

- Seals must be used on ALL voted ballot containers, per paragraph 3.7.6.

- They must NOT be broken except for Ballot Inspection, per paragraph 3.7.7.

- Audit trail logs must be maintained recording the sealing, including the seal number, the date and time, and the person's name, as well as the unsealing, including the seal number, the date and time, and the person's name.

8.6   IF PART OF A NETWORK

In most cases a standalone Sequoia 400-C does not need to be part of a network. However, if the Optech 400-C is part of a network, the network should be subject to the following guidelines given below for Sequoia 400-C networks:

- The network should not be connected to any component or network resource or nexus that has a connection to the external Internet.

- All network connections must be local.

- Assign a Network Administrator and a backup Network Administrator and outlining duties and responsibilities.

- Use unique User password for Network logon.

- Determine password length and format (recommend a minimum of 6 characters, 8 preferred).

- Determine which network protocols should be running. (Recommend that only the minimum required should be running.)

- Evaluate network configuration to ensure that only authorized Optech 400-C users can gain access to Optech 400-C network resources.

- Evaluate hub, router and firewall configurations to ensure appropriate levels of access and security.

- Develop a security test plan that can be periodically conducted to monitor the current security level.

- Monitor security logs to determine unauthorized access to shared resources. Jurisdictions may deploy automated monitoring tools for this purpose.

Appendix A: Test Deck Tabulation Results

A.1 BALLOT FRONT

Straight Party		State Senator 37th District		Board of Education	
Virginia Party	0	Nightingale	10	Washington	10
Ohio Party	0	Carnegie	20	Einstein	20
California Party	0	Key	30	Edison	30
New York Party	0	Hearst	40	Keller	40
Overvotes	0	Write-In	3	Dewey	50
Undervotes	0	Overvotes	0	Write-In	0
		Undervotes	59	Overvotes	0
				Undervotes	12

President and Vice President		State Legislature 37th District		Director of Recreation	
Zachary Taylor and Millard Fillmore	10	Anthony	10	Paige	10
Harrison/Stevenson	20	Eisenhower	20	Grange	10
Arthur/Hendricks	30	Roosevelt	30	Weismuller	20
Roosevelt/Fairbanks	40	Madison	40	Rockne	20
Write-In	3	Write-In	0	Dempsey	30
Overvotes	0	Overvotes	0	Ruth	30
Undervotes	59	Undervotes	62	Zaharias	40
				Write-In	3
				Write-In	3
				Overvotes	0
				Undervotes	158

U.S. Senator		State Treasurer		Director of Entertainment	
Dirksen	10	Vanderbilt	10	Lombard	10
Curtis	20	Getty	20	Jessel	10
Hancock	30	Rockefeller	30	Rose	10
Aldrich	40	Morgan	40	Smith	20
Write-In	0	Write-In	0	Duncan	20
Overvotes	0	Overvotes	0	Ellington	20
Undervotes	62	Undervotes	62	Write-In	0
				Write-In	0
				Write-In	0
				Overvotes	0
				Undervotes	396

U.S. Representative		Associate Justice		Director of Transportation	
Wilson	10	Hand	10	Ford	10
LaFollette	20	Darrow	20	Olds	20
Redfield	30	Marshall	30	Write-In	0
Wadsworth	40	Jay	40	Overvotes	0
Write-In	0	Write-In	0	Undervotes	132
Overvotes	0	Overvotes	0		
Undervotes	62	Undervotes	62		

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A.1 BALLOT BACK

OFFICES		PROPOSITIONS			
Judge – 2nd District		**1. Closing Polling Places**		**5. Gold to Treasury**	
Douglas	50	YES	50	YES	50
Moore	100	NO	100	NO	100
Warren	0	Overvotes	0	Overvotes	0
Solomon	0	Undervotes	12	Undervotes	12
Write-In	0				
Overvotes	0				
Undervotes	12				
Judge – 3rd District		**2. Federal Reserve Act**		**6. Mississippi Navigation**	
Holmes	50	YES	50	YES	50
Baer	100	NO	100	NO	100
Nation	0	Overvotes	0	Overvotes	0
Taney	0	Undervotes	12	Undervotes	12
Write-In	0				
Overvotes	0				
Undervotes	12				
Judge – 4th District		**3. Waterway – Atlantic/Pacific**		**7. Abolishing IRS**	
McAdoo	50	YES	50	YES	50
Armstrong	100	NO	100	NO	100
Todd	0	Overvotes	0	Overvotes	0
Write-In	0	Undervotes	12	Undervotes	12
Overvotes	0				
Undervotes	12				
Judge – 5th District		**4. Louisiana Territory**		**8. Presidential Election**	
Truth	50	YES	50	YES	50
Moran	100	NO	100	NO	100
Kent	0	Overvotes	0	Overvotes	0
Write-In	0	Undervotes	12	Undervotes	12
Overvotes	0				
Undervotes	12				

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Appendix B: Forms

B.1 CERTIFICATION BY LOGIC AND ACCURACY BOARD

State of California   )
(City and) County of (name))

We, the undersigned members of the Accuracy and Program Verification Board, having been duly appointed by (name)   , the Registrar of Voters/County Clerk of the (City and) County of (name) , for the (name) election to be held on (date)   , to verify the logic and accuracy test ballots as required by the Procedures for the use of the (fill in name of system) System, adopted pursuant to the California Elections Code, do hereby certify through the Registrar of Voters/County Clerk to the Secretary of State:

THAT the pre-vote counting tests, as defined in the above-mentioned procedures, have been performed;

THAT the pre-vote counting test results have been compared with the predetermined correct totals for each office and ballot measure;

THAT the cause of any discrepancy was found and corrected; and,

THAT the logic and accuracy test programs, the logic and accuracy test ballots, and the logic and accuracy test printed output which were certified as correct by the Accuracy and Program Verification Board were delivered into the custody of the Registrar of Voters/County Clerk.

We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____   _____
SIGNATURE of First Board Member   Date

_____
PRINTED Name of First Board Member

_____   _____
SIGNATURE of Second Board Member   Date

_____
PRINTED Name of Second Board Member

_____   _____
SIGNATURE of Third Board Member   Date

_____
PRINTED Name of Third Board Member

(Use as many signature blocks as there are board members)

B.2 CERTIFICATE OF BIENNIAL INSPECTION

State of California
)
(City and) County of (name))

   I, (name) , Registrar of Voters/County Clerk of the (City and) County of (name) , do hereby certify that in the normal course of pre-election hardware maintenance and testing of our voting (or, and vote tabulating) equipment for the forth-coming election on (date), I find that the voting (or, and vote tabulating) equipment used in the (City and) County of   (name)   is tabulating ballots accurately. This Certificate is issued pursuant to the California Elections Code.

Dated: (date)

                    Signed: (name and title)

     [Seal]